

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LESLIE D. HENDERSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV89 HEA
)	
RENAISSANCE GRAND HOTEL,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Dismiss, [Doc. No. 29]. Plaintiff has not responded to the motion. For the reasons set forth below, the Motion is granted and this matter is dismissed without prejudice. Plaintiff filed this action January 19, 2006. On April 7, 2006, the Court issued its Case Management Order, which required Ruel 26(a)(1) disclosures by May 8, 2006. Defendant did not receive Plaintiff's disclosures on May 8, 2006. On July 10, 2006, Defendant sent Plaintiff a letter, via certified and regular mail reminding her that the disclosures were due. The certified letter was returned unclaimed. Defendant attempted to telephone plaintiff on three separate occasions. Defendant left a message on Plaintiff's answering machine on August 8, 2006. On September 5, 2006, Defendant filed a Motion to Compel Plaintiff's Rule 26 disclosures. The Court granted the motion and ordered Plaintiff to file the disclosures by October 2, 2006. Plaintiff did not file the disclosures.

Furthermore, Plaintiff has failed to respond to Defendant's propounded discovery, and has failed to comply with the Court's Alternative Dispute Resolution referral. Defendant advises the Court that its efforts to contact Plaintiff regarding alternative dispute resolution were thwarted by Plaintiff's telephone having been disconnected.

Plaintiff updated her contact information with the Court and Defendant has since attempted to contact her regarding the progression of this case. On January 12, 2007, Plaintiff advised Defendant that she would contact Defendant by January 15, 2007 and inform Defendant whether she was available for mediation on January 30, 2007. Plaintiff did not contact Defendant on January 15, 2007.

Plaintiff has not prosecuted her case in accordance with this Court's Orders nor in accordance with the Federal Rules of Civil Procedure. The Court, however, believes that dismissal should be without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this matter is dismissed without prejudice for failure to prosecute.

Dated this 31st day of January, 2007.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE